

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

KENNETH HATLEN,

Plaintiff,

v.

GREG COX, et al.,

Defendants.

Case No. 3:12-cv-00534-MMD-WGC

ORDER

Before the Court is Plaintiff's emergency motion for extension, seeking to yet again extend the deadline for his response to Defendants' motion for summary judgment. (Dkt. no. 448.) Defendants' motion for summary judgment was initially filed in January 2014 (dkt. no. 177), and has since been administratively re-filed twice on July 3, 2014 (dkt. no. 335) and December 1, 2014 (dkt. no. 411), to accommodate Plaintiff's numerous requests for extensions. The main reason supporting Plaintiff's requests for extension is alleged destruction of his documents, a claim which the Court has considered, permitted Plaintiff to be heard and determined to lack credibility. (Dkt. no. 410.) Despite this finding, at the December 1, 2014, hearing, the Court directed Defendants to provide Plaintiff with another copy of their motion for summary judgment and supplemental documents and gave Plaintiff sixty (60) days from service to respond.<sup>1</sup> (Dkt. no. 410.) Plaintiff's current motion essentially asks for an additional 40-day


---

<sup>1</sup>Since that hearing, Plaintiff has filed more "notices," even though the Court has counseled him that such "notices" are improper and the Court will not take any actions to address them.

1 extension, claiming that Defendants “have deliberately obstructed this plaintiff 40 of  
2 those days.” (Dkt. no. 448.) Plaintiff further claims that the Court has also refused to  
3 provide Plaintiff with a copy of the amended complaint, which he needs to be able to  
4 respond to Defendant’s motion for summary judgment. The Magistrate Judge has  
5 addressed both claims and this Court agrees with the Magistrate Judge’s findings. (Dkt.  
6 no. 446.) Despite finding that Plaintiff’s excuses lack merits, the Magistrate Judge  
7 directed the Clerk to send Plaintiff a copy of the amended complaint. (*Id.*)

8 As the Court indicated at the December 1, 2014, hearing, the Court has an  
9 obligation to review and address Defendant’s motion for summary judgment whether a  
10 response is filed. That motion will not be granted just because Plaintiff fails to respond.  
11 Plaintiff has wasted enough of his time and the Court’s time with requests based on  
12 claims of destruction of documents that have been found to be incredible. The Court  
13 finds that Plaintiff has engaged in delay and has not demonstrated that exceptional  
14 circumstances exist to support his extension request. Plaintiff’s motion for extension is  
15 therefore denied in part (dkt. no. 448.) The Court will extend the deadline by two (2)  
16 weeks, up to and including February 23, 2015, to give Plaintiff time to file his response.  
17 No further extension will be considered. Any additional extension request will be  
18 summarily denied.

19 DATED THIS 30<sup>th</sup> day of January 2015.

20   
21 \_\_\_\_\_  
22 MIRANDA M. DU  
23 UNITED STATES DISTRICT JUDGE  
24  
25  
26  
27  
28